

February 12, 2003

Dr. Ronald L. Simard
Nuclear Energy Institute
1776 I Street, NW, Suite 400
Washington, DC 20006-3708

SUBJECT: RESOLUTION OF EARLY SITE PERMIT TOPIC 12 (ESP-12), NEPA
CONSIDERATION OF SEVERE ACCIDENT ISSUES

Dear Dr. Simard:

The purpose of this letter is to inform you of the Nuclear Regulatory Commission (NRC) staff's understanding and expectations regarding the need to consider severe accident issues during the preparation and subsequent review of an application for an early site permit (ESP), under 10 CFR Part 52, Subpart A. This topic, which is now identified as ESP-12 on the list of Nuclear Energy Institute (NEI) generic ESP issues, was discussed during public meetings on August 22 and December 5, 2002 (Meeting Summaries - ADAMS Accession Nos. ML022590031 and ML023540387). Prior to the December 5, 2002 meeting, this issue was limited to the consideration of severe accident mitigation alternatives. Subsequently, NEI documented its position on this topic in a letter dated December 20, 2002.

The positions presented in NEI's letter discussed severe accident issues for certified designs and combined licenses (COLs), in addition to ESPs. Instead of addressing each of the six statements under "ESP-12 Understandings and Expectations," this letter addresses only the question of whether an applicant for an ESP needs to consider severe accident impacts and severe accident mitigation alternatives.

With respect to severe accident mitigation alternatives, the staff recognizes that if sufficient design information is not available at the ESP stage, then the NRC review and findings will be deferred to the COL stage. However, the staff expects the applicant to include a discussion of severe accident impacts in its environmental report at the ESP stage. These positions are consistent with the discussions held on December 5, 2002.

In addition, these positions were articulated in the Nuclear Reactor Regulation (NRR) Review Standard, RS-002, "Processing Applications for Early Site Permits: Draft for Interim Use and Public Comment," dated December 23, 2002. Attachment 3 to RS-002 discusses the applicability of certain sections of NUREG-1555, "Standard Review Plans for Environmental Reviews for Nuclear Power Plants," October 1999, to the scope and associated review criteria for the Environmental Report.

Attachment 3 to RS-002 indicates that Section 7.2, "Severe Accidents," of NUREG-1555 is applicable to the early site permit review, but acknowledges that Section 7.3, "Severe Accident Mitigation Alternatives," requires detailed design information and design-specific probabilistic risk assessment. If detailed design information is not available in the ESP application, then the staff review and findings on severe accident mitigation alternatives will be deferred to the COL

stage. These sections of the Review Standard also reflect the staff position articulated in SECY-91-041, "Early Site Permit Review Readiness."

In an associated *Federal Register* Notice dated January 2, 2003, [68 FR 132], the staff requested comments on RS-002 by March 31, 2003. NEI and other interested persons can provide comments on the implementation of the staff's position during this comment period.

Please contact Stephen Koenick at (301) 415-1239, if you have any questions on this matter.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Project No. 689

cc: See next page

SECY-91-041, "Early Site Permit Review Readiness."

In an associated *Federal Register* Notice dated January 2, 2003, [68 FR 132], the staff requested comments on RS-002 by March 31, 2003. NEI and other interested persons can provide comments on the implementation of the staff's position during this comment period.

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Sincerely,

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James E. Lyons, Director
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cc: See next page

ACCESSION NO. ML030280518

* See Previous concurrence

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Distribution for letter to R. Simard dated February 12, 2003

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